

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Shanda Mathis, next friend of Roderick Chatman, Jr.,	:	
Petitioner	:	Civil Action 2:07-cv-01162
v.	:	Judge Marbley
Franklin County Children Services and Ohio Youth Advocate Program	:	Magistrate Judge Abel
Respondent	:	

**Order**

Petitioner Shanda Mathis brought this action for a writ of habeas corpus under the provisions of 28 U.S.C. §2241 seeking custody of her minor children Roderick Chatman, Jr., Mercedes Clayborne, Mia Clayborne, Dawan Clayborne, Jr., Dallas Clayborne and Azuriah Clayborne. This matter is before the Court on Magistrate Judge Abel's January 2, 2008 Report and Recommendation on Initial Screening on the Court's that the petition be dismissed because it does not allege that Shanda Mathis's children are held in the custody of respondents in violation of federal law and because petitioner has failed to exhaust all available Ohio court remedies.

No objections have been filed to the Report and Recommendation. Upon *de novo* review as required by 28 U.S.C. § 636(b)(1)(B), the Court ADOPTS the Report and Recommendation. In the petition, Shandis argues that she should have gained custody

of her children when an appeal was filed from the trial court's decision denying her custody. However, the state court custody proceedings have not been completed; and, as the Magistrate Judge found, the petition does not base her claim that she is entitled to the immediate custody of her children on a federal statute or constitutional provision. Even if she pleaded a federal claim, that claim could not be presented to this Court until she had fully exhausted her Ohio court remedies. In habeas corpus, a district court may only consider federal claims that have been fairly presented to the Ohio courts.

WHEREUPON, the Magistrate Judge RECOMMENDS that the petition be dismissed because it does not allege that Shanda Mathis's children are held in the custody of respondents in violation of federal law and because petitioner has failed to exhaust all available Ohio court remedies.

Accordingly, the Clerk of Court is DIRECTED to enter JUDGMENT dismiss this habeas corpus action for failure to plead a claim for relief under federal statutory or constitutional law and, alternatively, for failure to exhaust Ohio court remedies.

s/Algenon L. Marbley  
Algenon L. Marbley, Judge  
United States District Court